

### REMARKS

Claims 1-5, 8 and 10 have been rejected under 35 USC 103(a) as unpatentable over Daniele in view of Henrlon. The rejection is respectfully traversed.

Daniele fails to disclose that the transmission rates of the incoming transmission flows are determined and that cells belonging to a transmission flow which comes into the sorter with a transmission rate lying below the guaranteed bandwidth are timed for transmission before the cells of the transmission flows which come into the sorter with a transmission rate lying above the guaranteed bandwidth and that cells of the transmission flow which come into the sorter with a transmission rate lying below the maximum bandwidth are timed for transmission before the cells of the transmission flows which have arrived in the sorter with a transmission rate lying above the maximum bandwidth.

Additionally, it would not have been obvious for one of ordinary skill in the art to modify the method of Daniele to include the step of determining whether the transmission rate lies below or above the guaranteed bandwidth or below or above the maximum bandwidth, respectively, and to transmit the cells of the transmission flows in the order required by claim 1.

As noted above, the ATM cells approaching the input link  $B_i$  enter one of the  $n$  queues  $QA_1, QA_2, \dots, QA_n$  if belonging to an ABR transmission flow while they enter a single QNA queue if belonging to a non-ABR transmission flow, cf. column 5, lines 18 to 21. If the IS\_RT\_EMPTY test indicates that there are cells belonging to non-ABR flows to be transmitted, the SCB block moves to a SERVING\_RT step in which the SCB block serves the QNA queue containing the cells belonging to non-ABR flows, cf. column 6, lines 20 to 25. The non-ABR flows are transmitted according to the order in which they entered the sorter.

One of ordinary skill in the art would not have had any motivation to include the step of determining whether the transmission rate lies below or above the guaranteed bandwidth or below or above the maximum bandwidth, respectively, and to modify the order of transmission according to claim 1 from the teaching of Daniele.

Moreover, Henrlon fails to teach or suggest a method according to claim 1, since Henrlon merely discloses a communication system for sharing available bandwidth with scheduler and intelligent buffer, but fails to disclose transmitting the packets of the traffic stream over the transmission channel according to the order of claim 1.

Claims 6, 7 and 9 have been rejected under 35 USC 103(a) as unpatentable over Daniele in view of Henrlon, further in view of Dolgonos or Ellenby. The rejections are respectfully traversed for at least the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-147.

Respectfully submitted,

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